

APPENDIX

Response to Public Comments

**Response to Public Comments
Submitted During the Public Comment Period
for the Potlatch Lewiston Tier I Operating Permit
AIRS Facility No. 069-00001**

A public comment period was held from September 23, 2002 through October 23, 2002 to let any interested party review and comment on the draft Tier I operating permit prepared by the Department for the Potlatch Lewiston facility. In accordance with IDAPA 58.01.01.364 (*Rules for the Control of Air Pollution in Idaho*), "all Tier I operating permit proceedings shall provide for public notice and public comment, including offering an opportunity for a hearing, on a draft permit or on a draft denial." Copies of the draft permit and technical memorandum were made available at the Lewiston City Library, the Department's Lewiston Regional Office, and the Department's state office in Boise. A public hearing was held on October 23, 2002 at the Lewis-Clark State College Library in Lewiston. The states of Oregon and Washington are affected states, and as such, the Department is required to provide copies of the public comment package for their review and comment. Affected states are defined in IDAPA 58.01.01.008.01 as: "All states whose air quality may be affected by the emissions of the Tier I source and that are contiguous to Idaho or that are within 50 miles of the Tier I source."

The only party that provided written comments during the public comment period was the Potlatch Lewiston facility. Oral comments at the hearing were provided by Potlatch and Mark Solomon, a private citizen. This document provides the Department's response to the comments submitted. Each comment is listed with the Department's response immediately following.

Comment No. 1

Potlatch requested correction of the regulatory citations for Permit Conditions 1.9.4, 1.17, 2.1, 4.1, 7.3, 7.5, 8.6, 9.12, 12.7.4, 12.9, and 12.13.

Response to Comment No. 1

The citations have been corrected as requested.

Comment No. 2

Potlatch requested clarification of Permit Condition 1.5 relating to odors.

Response to Comment No. 2

Because this condition is a direct quotation of the rule language at IDAPA 58.01.01.776.01, no change to the language in the permit is appropriate. The permittee should refer to the definition of "air pollution" at IDAPA 58.01.01.006.06 and discuss implementation of the odor rule with the Lewiston Regional Office.

Comment No. 3

Potlatch questioned the regulatory basis for Permit Condition 1.6, relating to records of odor complaints, contending there is no regulatory basis for this requirement. Potlatch also requested clarification of when a complaint has "merit," how this is quantified for enforcement purposes, and how compliance can be demonstrated.

Response to Comment No. 3

The regulatory basis, as cited in the draft permit, is IDAPA 58.01.01.322.06 and 07, which requires that all Tier I permits contain sufficient monitoring and recordkeeping to ensure compliance with all the terms and conditions of the Tier I permit. If the applicable requirement does not contain such provisions, appropriate provisions must be

added in the Tier I permit (known as "gap filling"). In this case, this requirement has been added to ensure compliance with Idaho's odor rule (Permit Condition 1.6).

Potlatch will need to make a judgment as to whether a complaint has merit, or may consult with the Lewiston Regional Office for guidance. If Potlatch documents its judgments and does not arbitrarily and capriciously ignore complaints, Potlatch will be considered in compliance with this condition.

Comment No. 4

Potlatch requested deletion of Permit Condition 2.7, requiring that the boilers be operated as efficiently as practicable at all times, contending the condition was vague and unenforceable and that compliance is ensured by Conditions 2.3-2.6 and 2.8.

Response to Comment No. 4

The condition has been deleted.

Comment No. 5

Potlatch requested specification of the averaging time for the lb/MM Btu NO_x emission limits in Permit Condition 3.4; an averaging time of 24 hours was recommended.

Response to Comment No. 5

Because the underlying PSD permit specifies that compliance with the NO_x limits is to be determined using the test methods in 40 CFR 60, Appendix A (which requires a 3-hour test), the averaging time has been specified as 3 hours.

Comment No. 6

Potlatch requested deletion of the regulatory citation of 40 CFR 60.45(a) for the NO_x CEM requirement of Permit Condition 3.6 [exempt per § 60.45(b)(3)].

Response to Comment No. 6

The NSPS citation remains as it relates to the COM requirement. The PSD permit citation has been added as it relates to the NO_x CEM requirement.

Comment No. 7

Potlatch requested deletion of the reference to 40 CFR 60.7(c) and (e) in Permit Condition 3.11 (renumbered to 3.12).

Response to Comment No. 7

The reference to paragraph (c) has been changed to (b). Paragraphs (b) and (c) are applicable recordkeeping requirements.

Comment No. 8

Potlatch requested deletion of the NSPS citations in Permit Condition 3.12 (see Comment No. 6).

Response to Comment No. 8

The NSPS citations have been replaced with the PSD permit citation. Excess emission reports shall be sent to EPA, Region X (per PSD permit) and to DEQ.

Comment No. 9

Potlatch requested clarification to the NSPS notification requirements in Condition 4.9.

Response to Comment No. 9

A sentence has been added to indicate that if the initial notification requirements have been previously met, no notification is required.

Comment No. 10

Potlatch requested clarification of Permit Condition 5.6 versus Condition 5.5.

Response to Comment No. 10

Permit Condition 5.6 has been clarified to apply only to the smelt dissolving tank and has been corrected to reflect the requirements of IDAPA 58.01.01.625.

Comment No. 11

Potlatch requested correction of references to other permit conditions in Permit Conditions 5.12 (renumbered to 5.14), 9.12, and 10.11.

Response to Comment No. 11

The requested corrections have been made.

Comment No. 12

Potlatch requested clarification of the description of the equipment in Permit Condition 6.1 and correction of language in Permit Conditions 6.5 and 6.6.

Response to Comment No. 12

The requested language changes have been made.

Comment No. 13

Potlatch contended that the December 4, 1984 PSD permit for the No. 5 Recovery boiler does not allow an oxygen correction for the concentration limits in Permit Conditions 6.5, 6.6, and 6.7.

Response to Comment No. 13

Footnote 2 in Condition 1 of the PSD permit specifies correction to 8 percent oxygen. No change has been made to these conditions.

Comment No. 14

Potlatch contended that there is no underlying requirement for the NO_x source testing in Permit Condition 6.12 and thus the testing requirement should be deleted.

Response to Comment No. 14

Because there is no CEM for NO_x (as there is for SO₂ and CO), there is no requirement to ensure compliance with the NO_x emission limits (see response to Comment No. 3). Thus, no change has been made.

Comment No. 15

Potlatch contended there is no underlying requirement for Permit Condition 7.5.

Response to Comment No. 15

This condition was included to ensure compliance with Permit Conditions 7.2 and 7.3 prior to March 13, 2004, after which compliance will be ensured by compliance with 40 CFR 63.864 to 63.867 (again, see response to Comment No. 3). If Potlatch wishes to suggest other provisions to ensure compliance prior to March 13, 2004, they should submit them to the Department.

Comment No. 16

Potlatch identified errors in monitoring device performance specifications in Condition 7.5 which were taken from 40 CFR 63.864(a)(2).

Response to Comment No. 16

The errors have been corrected.

Comment No. 17

Potlatch recommended that the submission of exceedance reports in Permit Condition 8.9 be included in the semi-annual report for the facility.

Response to Comment No. 17

The requested change has been made.

Comment No. 18

Potlatch requested correction of the reference to "No. 5 lime kiln" in Permit Condition 9.3.

Response to Comment No. 18

The reference has been corrected to "No. 4 lime kiln" as requested.

Comment No. 19

Potlatch requested specification of the averaging time for the SO₂ limit in Permit Condition 9.4.

Response to Comment No. 19

A 3-hour averaging time has been specified to be consistent with the 3-hour SO₂ NAAQS.

Comment No. 20

Potlatch has submitted an application to modify its June 24, 2002 permit to increase the production limit for the Nos. 3 and 4 Lime Kilns (Permit Condition 9.7). Potlatch requested that the proposed production limits be included in the Tier I permit or reference an "alternate production limit approved in a PTC."

Response to Comment No. 20

Until the PTC limit is changed, the Tier I permit must reflect the current PTC condition. The Department currently plans to send the PTC change to EPA as part the PTC public comment process. Once the PTC is finalized, the new throughput limit can quickly be incorporated in the Tier I permit as an administrative amendment.

Comment No. 21

Potlatch recommended inclusion of language from Condition 7.3.1 of the June 24, 2002 permit that was inadvertently omitted from the draft Tier I permit.

Response to Comment No. 21

The omitted language has been added to Permit Condition 9.8.

Comment No. 22

Potlatch contended that because there is an SO₂ CEM on the No. 4 lime kiln stack, the requirements to monitor pH and scrubbing liquor flow rate in Permit Condition 9.10.2, 9.13, and 9.18 (renumbered to Condition 9.17) are unnecessary and should be deleted.

Response to Comment No. 22

While there may be some merit to this argument, these provisions were specifically included in the recently-issued permit of June 24, 2002. Any change to these requirements should be initiated by a change to the PTC.

Comment No. 23

Potlatch requested deletion of Permit Condition 9.11 as being redundant with Permit Condition 1.17.

Response to Comment No. 23

The condition is redundant and has been deleted. Subsequent permit conditions have been renumbered as a result and to correct previous numbering errors.

Comment No. 24

Potlatch noted that the QA plan required by Permit Condition 9.15 has been completed.

Response to Comment No. 24

This Condition (now 9.14) has been retained as a continuing obligation to maintain and follow a current QA plan.

Comment No. 25

Potlatch indicated that wording corrections to Permit Conditions 9.19, 9.22, and 9.23 (now 9.18, 9.21, and 9.22, respectively) need to be made to be consistent with the June 24, 2002 PTC.

Response to Comment No. 25

The wording corrections have been made.

Comment No. 26

Potlatch contended that the underlying PTC for Permit Conditions 11.1 and 11.2 does not regulate PM₁₀ (only total PM).

Response to Comment No. 26

Conditions 2.1.2 and 2.2.2 of the September 9, 1988 PTC establish the same limits for PM₁₀ as for PM. No change has been made.

Comment No. 27

In Permit Condition 12.2, Potlatch contended that the NSPS TRS limit in 40 CFR 60.283(a)(1) is not applicable, but no reason was stated.

Response to Comment No. 27

Condition 1.2 of the August 29, 1997 PTC states that this NSPS requirement is applicable. Pending further explanation by Potlatch, this condition remains unchanged.

Comment No. 28

Potlatch requested deletion of brownstock washers from Permit Condition 12.6 as units to be controlled by the NCG.

Response to Comment No. 28

Condition 2.3 of the August 29, 1997 NCG incinerator permit specifies brownstock washers as affected units. No change has been made.

Comment No. 29

Potlatch asked if the reports required by Permit Conditions 12.15 and 13.15 were necessary, given that any deviations from the permit limits were to be reported in the annual compliance certification.

Response to Comment No. 29

Yes. In addition to deviations, these Conditions (based on their respective PTC's), require reporting of emissions regardless of whether there is a deviation.

Comment No. 30

Potlatch requested deletion of Permit Conditions 7c and 7d in Appendix A because EPA revoked the requirement (in an April 5, 2002 rule revision) to incorporate SSM plans by reference in Title V permits.

Response to Comment No. 30

Potlatch is correct; these conditions have been deleted.

Comment No. 31

Potlatch requested deletion of Permit Conditions 14 and 21 in Appendix A because 40 CFR Part 63, Subpart MM does not specify annual testing requirements.

Response to Comment No. 31

Potlatch is correct; these requirements have been deleted.

Comment No. 32

At the public hearing, Potlatch referenced its written comments and requested that a draft permit be republished for public comment.

Response to Comment No. 32

Because of the statutory schedule for issuing Tier I (Title V) operating permits, the Department believes it is necessary to expeditiously complete the steps needed to issue this permit. This permit is now being sent to EPA for a 45 day review period. If Potlatch or any member of the public wishes to comment on the proposed permit during the EPA comment period, the Department will consider those comments along with any comments received from EPA.

Comment No. 33

At the public hearing, Mark Solomon requested that the Clearwater Wood Products Division (which is being issued a separate Tier I permit) be included in the IPPD/CPD Tier I permit.

Response to Comment No. 33

DEQ is issuing a Tier I permit to Potlatch Clearwater as an individual facility on the basis of a February 6, 1997, determination by DEQ and the state of Idaho Office of the Attorney General. That determination is based in part on the following analysis. The definition of "building, structure, facility, or installation" provides three tests: (1) is Potlatch Clearwater adjacent to Potlatch Pulp and Paper (IPPD) and Consumer Products Division (CPD)? (2) Is Potlatch Clearwater under common control with the IPPD/CPD facility? – and (3) is Potlatch Clearwater either (a) part of the same industrial classification (SIC) code as IPPD/CPD, or if not, (b) is Potlatch Clearwater a support facility for IPPD/CPD? If the answer to all three tests were "yes", then Potlatch Clearwater would be considered part of the IPPD/CPD facility. If the answer to any of the three tests were "no", then Potlatch Clearwater would be considered a separate facility from the IPPD/CPD facility.

The answer to tests 1 and 2 are obviously yes. Potlatch Clearwater is adjacent or contiguous to the IPPD/CPD facility, and they are all under common control or ownership. However, when test 3 is applied, it is obvious that Potlatch Clearwater is a separate facility. Case in point, the SIC code for IPPD is 2611, and the SIC code for CPD is 2621. By virtue of the same two-digit industrial grouping – 26 – IPPD and CPD are one facility. This decision has been made and is not of issue. However, the SIC code for Potlatch Clearwater is 2421. Here, the two-digit industrial grouping – 24 – is clearly different than that of IPPD/CPD, hence, not part of the same industrial grouping. We know the industrial grouping classification is not the same, but it is Potlatch Clearwater a support facility for IPPD/CPD or vice versa? According to EPA's draft New Source Review Workshop Manual (October 1990),

"facilities that convey, store, or otherwise assist in the production of the principal product are called support facilities." The primary product produced by Potlatch Clearwater is dimensional lumber. The primary product produced by IPPD/CPD is paper. Clearly, Potlatch Clearwater may supply some wood waste to IPPD/CPD, but it does not have the capability to supply IPPD/CPD with 50% or more of their raw material needs.

Another scenario, is IPPD/CPD a support facility, in terms of power or steam heat supply, to Potlatch Clearwater? According to an October 15, 2001 memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, titled *Source Determination for Combined Heat and Power Facilities under the Clean Air Act New Source Review and Title V Program* "... Today's memorandum clarifies that a CHP (combined generation of heat and power, aka cogeneration) facility which is capable of providing power or steam/heat not only to the host, but also to the grid or elsewhere, may be considered a separate source from the host for the purposes on NSR and Title V permitting. That is, permitting authorities may consider a CHP facility to be a separate source from the host facility, even if the CHP facility continues to provide all or most of its output to the host facility. The feature that distinguishes CHP facility from other support facilities is the fact that a CHP facility is independently capable of providing power to the grid or customers other than the host facility. (This guidance applies even where the CHP facility is not necessarily currently providing power or steam/heat to other customers; it need only possess the technical capability to do so. By "technical capability", we mean that all necessary infrastructure would be in place and that steam or waste heat could be provided "at the turn of a valve.") ..."

The IPPD/CPD is a cogeneration facility. This facility not only supplies electricity and steam/heat to the host, it also independently supplies its output to other customers (i.e. Potlatch Clearwater and Idaho Power via the grid). Based on EPA guidance and the clarification provided above, the Department has correctly determined the IPPD/CPD facility and Potlatch Clearwater facility are two separate facilities.

Comment No. 33

Mark Solomon also argued that a single permit for the IPPD and CPD facilities should be issued.

Response to Comment No. 33

The division of the permit into the two sections is strictly for clarity and administrative convenience and has no environmental consequences. Combining the two sections would not result in a change to any permit condition or the addition of any permit condition. As is clear from the AIRS Database tables in the Technical Memos (which is not part of the permits in any case), the classification of the facility for purposes of all Clean Air Act programs is based on the combined facilities.

END OF COMMENTS